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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,549	09/03/2008	**Richard M. Woundy**	007412.00135	2599

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EXAMINER	
KAY, MARY ANNE	
ART UNIT	**PAPER NUMBER**
2426	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/597,549	WOUNDY ET AL.	
	Examiner	Art Unit	
	MARY ANNE KAY	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5,8,9,11 and 16-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5,8,9,11 and 16-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 June 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered November 13, 2009 for the patent application 10/597549 filed on March 9, 2006.

2. The First Office Action of August 13, 2009 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1-2, 5, 8-9, 11 and 16-26 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell et al. (U.S. PGPub 2002/0069420 A1, referred to as **Russell**) in view of Peck (U.S. PGPub 2004/0153207 A1, referred to as **Peck**) Paragraph 16. below applies.

Claim 1

Russell teaches:

A method of failsoft operation, the method comprising:

providing a policy to a facility the policy defining policy limits for transactions that normally require approval from a database at a time a transaction is requested (**Russell** ¶ 0056; Examiner's Note (EN): Authentication required from the database. Paragraph 16. below applies),

wherein the policy includes failsoft rules governing limited transaction approval to be used by the facility in the event of a communication failure between the facility and the database at a time of a transaction request (**Russell** ¶ 0093; EN: Record of attempts maintained);

using, by a facility computing- device, the failsoft rules to preliminarily grant approval for the requested transaction in response to determining that a communication failure exists between the facility and the database at the time of the transaction request (**Russell** ¶ 0093; EN: Examiner interprets that failure is a communication problem. Paragraph 16. below applies).

Russell fails to teach:

determining that a communication failure exists between the facility and the database at a time of a transaction request;

Peck teaches:

determining that a communication failure exists between the facility and the database at a time of a transaction request (**Peck** ¶ 0064; EN: Examiner

interprets communication with computer and controller analogous to headend-facility communication. Paragraph 16. below applies).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Russell** with the determining that a communication failure exists as taught by **Peck** providing as part of the fail-soft operation, following of a protocol in which an error message is transmitted in the event of a failed transmission.

Claims 2, 9

Russell fails to teach:

response to resolution of the communication failure, transmitting an update from the facility to the database informing the database of the requested transaction.

Peck teaches:

response to resolution of the communication failure, transmitting an update from the facility to the database informing the database of the requested transaction (**Peck** ¶ 0064; EN: Examiner interprets communication with computer and controller analogous to headend-facility communication. Paragraph 16. below applies).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Russell** with the determining that

a communication failure exists as taught by **Peck** providing as part of the fail-soft operation, following of a protocol in which an error message is transmitted in the event of a failed transmission.

Claim 8

Russell teaches:

A method of failsoft operation comprising:

receiving a request for content at the facility (Russell ¶ 0056);

attempting to communicate to an authorization computer a request for approval of the request for content (**Russell** ¶ 0056; Examiner's Note (EN): Authentication required from the database. Paragraph 16. below applies);

in response to the communication failure, approving or denying the request for content according to the facility's received set of failsoft rules (**Russell** ¶ 0093; EN: Examiner interprets that failure is a communication problem. Paragraph 16. below applies).

Russell fails to teach:

receiving , at a facility computing device, a set of failsoft rules;

determining that a communication failure has delayed or disrupted the process of obtaining approval of the request from the authorization computer;

Peck teaches:

receiving , at a facility computing device, a set of failsoft rules (**Peck** ¶ 0064; EN: Examiner interprets that the computer receiving the set of rules is

analogous to the facility receiving the set of rules. Paragraph 16. below applies);

determining that a communication failure has delayed or disrupted the process of obtaining approval of the request from the authorization computer (**Peck** ¶ 0064; EN: Examiner interprets communication with computer and controller analogous to headend-facility communication. Paragraph 16. below applies).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Russell** with the determining that a communication failure exists as taught by **Peck** providing as part of the fail-soft operation, following of a protocol in which an error message is transmitted in the event of a failed transmission.

Claim Rejections - 35 USC § 103

5. Claims 5, 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Burns et al. (U.S. Patent 6,275,496, referred to as **Burns**).

Claims 5, 11

Russell fails to teach:

the facility is a cable television headend.

Burns teaches:

the facility is a cable television headend (**Burns** Fig. 2, el. 52; C6:9-13).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Russell** with the headend as taught by **Burns** providing network resources to distribute video assets to viewers that were requested.

Claim 25

Russell fails to teach:

determining that the communication failure exists based on communication delay.

Burns teaches:

determining that the communication failure exists based on communication delay (**Burns** C1:50-62).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Russell** with the long as taught by **Burns** providing long delays in delivering data which look like communication failures.

Claim Rejections - 35 USC § 103

6. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gostanian et al. (U.S. Patent 5,781,910, referred to as **Gostanian**) in view of Sheldon (U.S. PGPub 2005/0050218 A1, referred to as **Sheldon**) in further view of Benenati et al. (U.S. PGPub 2004/0193712 A1, referred to as **Benenati**) in further view of **Burns** Paragraph 16. below applies.

Claim 16

Gostanian fails to teach:

wherein the at least one headend IT infrastructure is programmed to handle non-real-time transactions at least partially with the back office IT infrastructure.

Burns teaches:

wherein the at least one headend IT infrastructure is programmed to handle non-real-time transactions at least partially with the back office IT infrastructure (**Burns** C8:23-33).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Gostanian** with the cache memory as taught by **Burns** providing cache memory to hold a proxy copy of a target resource referenced by a URL.

Claim 17

Gostanian fails to teach:

wherein the at least one headend IT infrastructure is programmed to handle real-time transactions at least partially with the back office IT infrastructure, with real-time access to the central database, for real-time transactions that fall outside of the policy limits.

Burns teaches:

wherein the at least one headend IT infrastructure is programmed to handle real-time transactions at least partially with the back office IT infrastructure, with real-time access to the central database, for real-time transactions that fall outside of the policy limits (**Burns** C9:42-52; EN: Examiner interprets this hyperlink storage as not including additional web hyperlinks referred to on the web page. Only audio and video links are described. Paragraph 16. below applies).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Gostanian** with the real-time transactions as taught by **Burns** providing links stored in cache memory, but data stored in computer memory storage.

Claim 18

Gostanian teaches:

A content delivery system, comprising:

wherein at least one headend IT infrastructure is provided with a policy defining policy limits for transactions that normally require real-time access to the central database, and is programmed to handle real-time transactions, without real-time access to the central database, in accordance with the policy limits (**Gostanian** Abstract),

Gostanian fails to teach:

a plurality of headend facilities;

a central facility including- a central database;

a distributed information technology (IT) architecture wherein a back office IT infrastructure is located at the central facility;

wherein each headend facility includes a headend IT infrastructure;

wherein the at least one headend IT infrastructure is programmed to determine an availability of access to the central database, and in the event that access to the central database is unavailable, handle real-time transactions, without real-time access to the central database, in accordance with the policy limits, thereby providing failsoft headend facility operation.

Sheldon teaches:

a plurality of headend facilities (**Sheldon** ¶ 0004);

wherein each headend facility includes a headend IT infrastructure (**Sheldon** ¶ 0004);

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Gostanian** with the headend facilities as taught by **Sheldon** providing network resources to distribute video assets to viewers that were requested.

Gostanian fails to teach:

a central facility including- a central database;

a distributed information technology (IT) architecture wherein a back office IT infrastructure is located at the central facility.

Benenati teaches

a central facility including- a central database (**Benenati** ¶ 0028);

a distributed information technology (IT) architecture wherein a back office IT infrastructure is located at the central facility (**Benenati** ¶ 0028).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Gostanian** with the central database as taught by **Benenati** providing authorization and authentication for an independent visited network.

Gostanian fails to teach:

wherein the at least one headend IT infrastructure is programmed to determine an availability of access to the central database, and in the event that access to the central database is unavailable, handle real-time transactions, without real-time access to the central database, in accordance with the policy limits, thereby providing failsoft headend facility operation.

Burns teaches:

wherein the at least one headend IT infrastructure is programmed to determine an availability of access to the central database (**Burns** C1:50-C2:3, C11:40-48), and in the event that access to the central database is

unavailable, handle real-time transactions, without real-time access to the central database, in accordance with the policy limits, thereby providing failsoft headend facility operation (**Burns** C8:23-33).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Gostanian** with the availability of access to the central database as taught by **Burns** providing a system where information can be cached prior to peak times enabling delivery of streaming video and audio data to users.

Claim 19

Gostanian fails to teach:

wherein at least one of the headend facilities is for a cable television system.

Burns teaches:

wherein at least one of the headend facilities is for a cable television system

(**Burns** Fig. 2, el. 52; C6:9-13).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Gostanian** with the headend facilities as taught by **Burns** providing network resources to distribute video assets to viewers that were requested.

Claim Rejections - 35 USC § 103

7. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gostanian** in view of Lloyd et al. (U.S. PGPub 2005/0102297, referred to as **Lloyd**).

Claim 20

Gostanian fails to teach:

wherein the central database is realized as a relational database.

Lloyd teaches:

wherein the central database is realized as a relational database (**Lloyd** ¶ 812).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Gostanian** with the database type as taught by **Lloyd** providing a distributed object-oriented directory database reflecting "many to one" relationships of elements within a directory object class and the instantiations of that class within a named hierarchical structure.

Claim 21

Gostanian fails to teach:

wherein the central database is realized as an LDAPIX.500 directory.

Lloyd teaches:

wherein the central database is realized as an LDAPIX.500 directory (**Lloyd** ¶ 812).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Gostanian** with the directory type as taught by **Lloyd** providing per this standard a distributed object-oriented directory database reflecting "many to one" relationships of elements within a directory object class and the instantiations of that class within a named hierarchical structure.

Claim Rejections - 35 USC § 103

8. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Russell** in view of Hendricks et al. (U.S. Patent 6,201,536, referred to as **Hendricks**).

Claim 22

Russell fails to teach:

wherein the request for content is a request to view pay-per-view television content.

Hendricks teaches:

wherein the request for content is a request to view pay-per-view television content (**Hendricks** C16: 58-65).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Russell** with the PPV as taught by **Hendricks** providing set top terminals connected to the headend.

Claim 23

Russell fails to teach:

wherein the request for content is a request to add service to a user's subscription plan.

Hendricks teaches:

wherein the request for content is a request to add service to a user's subscription plan (**Hendricks** C16: 52-57).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Russell** with the adding of service as taught by **Hendricks** providing additional security when the user has not purchased the channels.

Claim 24

Russell fails to teach:

wherein the request to add service is a request to add one or more television channels to a television subscriber's subscription lineup.

Hendricks teaches:

wherein the request to add service is a request to add one or more television channels to a television subscriber's subscription lineup (**Hendricks** C16:52-57).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Russell** with the adding of service

as taught by **Hendricks** providing additional security when the user has not purchased the channels.

Claim Rejections - 35 USC § 103

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Russell** in view of Buckman et al. (U.S. PGPub 2002/0188732 A1, referred to as **Buckman**) Paragraph 16. below applies.

Claim 26

Russell fails to teach:

the facility receiving periodic updates to the set of failsoft rules from the authorization computer.

Buckman teaches:

the facility receiving periodic updates to the set of failsoft rules from the authorization computer (**Buckman** ¶ 0029; EN: Management server maintains and updates the policy. Paragraph 16. below applies).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Russell** with the periodic updates as taught by **Buckman** providing improved data transfer predictability by allocating network bandwidth as tunnels dedicated to applications.

Response to Arguments

10. In reference to Applicant's argument:

> Here, there is no showing in Burns et al. of its predictive caching system determining an availability of access to the central database, and then acting in the event that access is unavailable, as recited in claim 18.
>
> Claim 18, which has been rewritten in independent form, continues to recite the following (emphasis added):
>
> > . . . wherein the at least one headend IT infrastructure is programmed to determine an availability of access to the central database, and in the event that access to the central database is unavailable, handle real-time transactions, without real-time access to the central database, in accordance with the policy limits, thereby providing failsoft headend facility operation
>
> In rejecting this claim, the Office contends that Burns et al. shows such a feature, but Burns et al.'s alleged IT infrastructure is not programmed to determine an availability of access to the central database, and act in the event of that unavailability, as recited. In the cited column 8, lines 23-33, Burns et al. simply says that its request handler 111 checks its cache whenever it gets a request for a file. It does not, for example, check first to see if access to the target resource is available, and then load from its cache when the target is unavailable. Indeed, checking the target before checking the cache runs contrary to Burns et al., since checking for access like this would seem to compound the bandwidth and latency issues that Burns et al. seeks to address with its cache.
>
> Granted, the Office also cites Burns et al.'s background, which notes that users sometimes have to wait a few minutes to watch a requested video when bandwidth is low. But that feature, if it is a feature, is not part of the Burns et al. predictive caching system, and is not part of the portion cited in the Action. For example, Burns et al. does not suggest that its system will check to see if the user would have to wait those few minutes, and then if that access is unavailable, load the file from the cache. As noted above, an anticipation rejection requires that the recited elements are arranged in the art in the same way, and here they clearly are not.

Examiner's Response:

Applicant's arguments are persuasive. The rejection of claim 18 is withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gostanian et al. (U.S. Patent 5,781,910) and Sheldon (U.S. PGPub 2005/0050218 A1) and Benenati et al. (U.S. PGPub 2004/0193712 A1) and Burns et al. (U.S. Patent 6,275,496).

11. In reference to Applicant's argument:

> Independent claim 1 has been amended to recite the following:
>
> > providing a policy to a facility, the policy defining policy limits for transactions that normally require approval from a database at a time a transaction is requested, wherein the policy includes failsoft rules governing limited transaction approval to be used by the facility in the event of a communication failure between the facility and the database at a time of a transaction request; determining that a communication failure exists between the facility and the database at a time of a transaction request; and using, by a facility computing device, the failsoft rules to preliminarily grant approval for the requested transaction in response to determining that a communication failure exists between the facility and the database at a time of the transaction request.
>
> None of the cited references teaches or suggests such a policy with failsoft rules to be used in the event of a communication failure, as recited. As discussed above, Burns et al. simply checks its cache whenever it receives a request. Burns et al. does not teach or suggest determining that a communication failure exists, or using failsoft rules in response, as recited in amended claim 1.
>
> The secondary reference, Lloyd et al., does not overcome this deficiency. Lloyd et al. was only cited previously for features relating to relational databases.

Examiner's Response:

Applicant's arguments are persuasive. The rejection of claim 1 is withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Russell et al. (U.S. PGPub 2002/0069420 A1) and Peck (U.S. PGPub 2004/0153207 A1).

12. In reference to Applicant's argument:

> Amended independent claim 8 recites, among other features, the following:
>
> > determining that a communication failure has delayed or disrupted the process of obtaining approval of the request from the authorization computer; and
> > in response to the communication failure, approving or denying the request for content according to the facility's received set of failsoft rules
>
> As discussed above, Burns et al. consults its cache whenever a request comes in. It does not teach or suggest the caching system checking for a communication failure, or approving or denying the request according to failsoft rules in response to the communication failure, as recited in amended claim 8. Lloyd et al. does not overcome this, as it was only cited for relational database concepts.

Examiner's Response:

Applicant's arguments are persuasive. The rejection of claim 8 is withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Russell et al. (U.S. PGPub 2002/0069420 A1) and Peck (U.S. PGPub 2004/0153207 A1).

Examination Considerations

13. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969) (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

14. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office

actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

15. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

16. Examiner's Opinion: ¶¶ 13.-15. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

18. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to MARY ANNE KAY whose telephone number is (571)270-5677. The Examiner can normally be reached on Monday - Friday, 8:00 AM - 5:00 PM, EST.

As detailed in MPEP 502.03, communications via Internet e-mail are at the discretion of the Applicant. Without a written authorization by Applicant recorded in the Applicant's file, the USPTO will not respond via e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate patent application. The following is an example authorization which may be used by the Applicant:

> Notwithstanding the lack of security with Internet Communications, I hereby authorize the USPTO to communicate with me concerning any subject matter related to the instant application by e-mail. I understand that a copy of such communications related to formal submissions will be made of record in the applications file.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Hirl can be reached on (571)272-3685. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

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401 Dulany Street,

Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571)273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Anne Kay
Examiner

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
March 15, 2010